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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 97-130
Table of Allotments,) RM-8751
FM Broadcast Stations.)
(Galesburg, Illinois and Ottumwa, Iowa))

TO: Chief, Mass Media Bureau

PETITION FOR RECONSIDERATION

Galesburg Broadcasting Company ("GBC"), by its attorney, hereby requests that the Bureau reconsider the Report and Order of its Allocations Branch released October 16, 1998 (63 Fed.Reg. 57,608, October 28, 1998), and thereupon grant the upgrade proposal for Station WLSR, Galesburg, Illinois, from Class A to Class B1, and deny the "one-step" upgrade proposal of Gillbro Communications L.P., for Station KTTA from Class C3 to C2. In support thereof, it states as follows:

SUMMARY

The Report and Order significantly understates the areas and populations attributable to WLSR's Class B1 proposal, and thus the resulting comparison of the gains of WLSR with those of KTTA is faulty. A correct comparison demonstrates that over 23,500 more persons would receive new service from the grant of WLSR's upgrade than from grant of KTTA's.

The Report and Order

The Report and Order properly rejected Gillbro's claim that its Class C2 upgrade proposal should be compared with its current Class A operation, and agreed with GBC that the

appropriate comparison was with the Class C3 allotment which Gillbro had been granted several years ago, and which is compatible with WLSR's B1 upgrade proposal. Neither Gillbro nor GBC had calculated the KTWa area and population gains based upon assumed maximum C3 and C2 facilities, and thus the Report and Order undertook that analysis, concluding that a grant of the KTWa proposal would result in a potential service gain to 38,492 persons in an area of 3,757.5 square kilometers.¹

With respect to WLSR, the Report and Order found that its proposed upgrade "would result in a net service gain to 37,157 persons in an area of 2,289.9 square kilometers." Report and Order, Para. 7. It did not explain how it arrived at these figures.²

The decisional rationale of the Report and Order is stated in Paragraph 8: "We are favoring the Ottumwa upgrade because it would serve 1,535 more persons than the competing upgrade at Galesburg."

The Underestimation of the WLSR Gain Area and Population

As noted above, the Report and Order did not describe the assumptions or processes upon which its calculation of the WLSR gain area was based. However, they can be inferred from the results which were reached. The 2,289.9 square kilometer net gain area ascribed to WLSR's upgrade is just 3 square kilometers greater than the difference between the area of maximum Class A facilities ($28.3 \text{ km. squared times } \pi = 2,516 \text{ sq. km.}$) and the area of

¹ The Commission's precedents support the "maximum facilities" comparison (e.g., Chehalis, Washington, Report and Order released October 16, 1998 [DA98-2053], at para. 7), and the data in the instant petition is based upon the "maximum facilities" approach.

² At footnote 4, the Report and Order explained that it used the proposed reference coordinates for both KTWa C3 and C2 operations. No comparable explanation was offered as to the assumptions underlying its WLSR computations.

maximum Class C3 facilities (39.1 km. squared times $\pi = 4,802.9$ sq. km.); i.e., 2,286.9 sq. km.³ Therein lies the error, for WLSR's proposal is for a Class B1 station — not a Class C3 station. A Class B1 station's primary (protected) contour is its 57 dbu contour, and the distance to that contour for a maximum facility station is 44.7 km., not the 39.1 km. distance to the protected 60 dbu contour of a maximum facility C3 station (see Exhibit A).⁴

Thus, correctly calculated, the area to be served by a maximum facility Class B1 Galesburg station would be 44.7 km. squared times $\pi = 6,277.2$ sq. km. — 3,761.2 sq. km. greater than the maximum facility Class A WLSR. The Report and Order has understated WLSR's gain area by 1,471.3 sq. km. (3,761.2 - 2,289.9) — crediting WLSR's proposal with less than two-thirds of its true gain area. Predictably, as a result of understating the WLSR area gain, the Report and Order has also understated the WLSR population gain. The attached Engineering Statement of D.L. Markley (Exhibit B hereto⁵), shows that the WLSR Class B1 maximum facility would serve a population of 62,434 more persons than the maximum facility

³ The Class A and C3 radii of 28.3 and 39.1 kilometers are the distances to the "Protected or Primary Service Contour" of the respective station classes; See www.fcc.gov/mmb/asd/fmclasses.html, Exhibit A hereto. As discussed in greater detail below, that table shows the distance to the Class B1 protected or primary service contour to be 44.7 km, in recognition of the fact that a Class B1 station is protected to its 57 dbu contour, while a Class C3 station is protected only to its 60 dbu contour. The distances in Exhibit A appear to be refinements of the largely rounded distances specified at footnote 75 of the Second Report and Order in Docket No. 88-375, 4 FCC Rcd 6375 at 6389 (1989). As relevant here, the Commission there specified service radii for maximum facility Class A, B1, and C3 stations as 28 km., 45 km., and 39 km., respectively.

⁴ Exhibit A expressly "assumes uniform (flat) terrain in all directions." It is believed that the Bureau's calculations set forth in the Report and Order made the same assumption. The discussion herein makes that assumption as well, for purposes of consistency in comparing our result with that of the Report and Order.

⁵ Mr. Markley's Statement is a facsimile. The original will be filed as a supplement hereto upon its receipt.

Class A WLSR. Moreover, as Mr. Markley points out, the WLSR Class B1 57 dbu contour wholly encompasses its Class A 60 dbu contour, and thus there would be no loss of service flowing from a grant of the WLSR upgrade -- contrary to the conclusion of the Report and Order.

Based on the foregoing, it can be seen that the WLSR B1 upgrade would result in new service to 23,502 more persons than would the KTWB C2 upgrade.

CONCLUSION

Because the Report and Order failed to consider the areas and populations contained within the projected WLSR Class B1 57 dbu contour, erroneously considering its 60 dbu contour as the outer limit of service, it significantly understated the areas and populations which would be served by favorable consideration of the WLSR proposal. Correct evaluation of these matters demonstrates the clear superiority of the WLSR proposal to that of KTWB. Accordingly, it is urged that the Bureau reconsider and reverse the conclusions of its Report and Order, and grant the upgrade proposal of GBC.

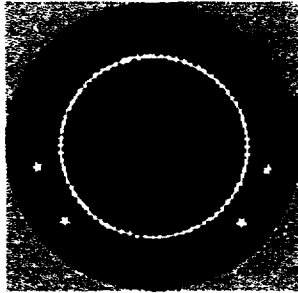
Respectfully submitted,

GALESBURG BROADCASTING COMPANY

By: 

Donald E. Ward
Law Offices of Donald E. Ward
7330 Arrowood Road
Bethesda, MD. 20817

November 27, 1998

EXHIBIT A**FCC Federal Communications Commission****FCC HOME PAGE****Headlines****Commissioners Bureaus/Offices****Finding Info**

Audio Services Division

Mass Media Bureau – Federal Communications Commission
3rd Floor – 1919 M Street NW – Washington, DC 20554

FM Station Classes and Service Contours

June 26, 1998

The following table lists the various classes of FM stations, the reference facilities for each station class, and the protected and city grade contours for each station class. A contour may be visualized by imagining a rough circle surrounding a transmitter site at some distance, where the circle represents a certain field strength value, with greater radio field strengths inside, and lesser radio field strengths outside. The distances to the contours herein were derived using the maximum effective radiated power (ERP) and antenna height above average terrain (HAAT) combination permitted for each station class (see Section 73.211), and assumes uniform (flat) terrain in all directions. In practice, the distances to a specified contour for a given FM station in a given direction will vary from the listed value depending on the effects of terrain in that direction.

The listed values are for **commercial FM stations**. This data also holds true for **noncommercial educational stations**, except that the 70 dBu city grade requirement of 47 CFR Section 73.315(a) does not apply to noncommercial educational stations in the portion of the FM band reserved for noncommercial educational use (88.1 to 91.9 MHz). Please note, however, that the 60 dBu contour must encompass at least a portion of the community of license. In addition, please note that the distances to reserved band noncommercial educational stations' protected contours for Class B and Class B1 stations are the same as the distances listed for Class C2 and Class C3 stations, respectively, since the protected contour for all reserved band stations is 60 dBu (1.0 mV/m).

For different combinations of ERP and HAAT, you may determine the applicable FM station class by using our FM propagation curves calculations program and comparing the result with the table below. Be sure to use the 60 dBu F(50,50) contour, since it is on the basis of that contour (not the 70 or 54 or 57 dBu contour) that equivalence between facilities is determined.

[For FM minimum separation requirements, especially for commercial FM stations, please see our document FM Radio Station Spacing Standards.]

FM Station Class	Reference (Maximum) Facilities for Station Class (see 47 CFR Section 73.211)	FM Protected or Primary Service Contour		Distance to Protected or Primary Service Contour (km)	Distance to 70 dBu (or 3.16 mV/m) City Grade or Principal Community Coverage Contour (see 47 CFR Section 73.315) (km)
		dBu	mV/m		
Class A	6.0 kW / 100 meters	60 dBu	1.0 mV/m	28.3 km	16.2 km
Class B1	25.0 kW / 100 meters	57 dBu	0.71 mV/m	44.7 km	23.2 km
Class B	50.0 kW / 150 meters	54 dBu	0.50 mV/m	65.1 km	32.6 km
Class C3	25.0 kW / 100 meters	60 dBu	1.0 mV/m	39.1 km	23.2 km
Class C2	50.0 kW / 150 meters	60 dBu	1.0 mV/m	52.2 km	32.6 km
Class C1	100.0 kW / 299 meters	60 dBu	1.0 mV/m	72.3 km	50.0 km
Class C	100.0 kW / 600 meters	60 dBu	1.0 mV/m	91.8 km	67.7 km

Notes: Class B and B1 stations are authorized only in Zones I and I-A, which include the following states and areas: CA (south of 40° latitude), CT, DC, DE, IL, IN, MA, MD, coastal ME, MI (south of 43.5° latitude), NJ, NH (south of 43.5° latitude), NY (south of 43.5° latitude), OH, PA, PR, RI, northern & eastern VA, VI, VT (south of 43.5° latitude), southeastern WI, WV. Class C, C1, C2, and C3 stations are not authorized in Zones I or I-A, but may be authorized elsewhere. See Section 73.205 for the exact zone boundaries.

If you have questions about this subject or this page, please contact Dale Bickel at dbickel@fcc.gov at (202) - 418 - 2720.

Return to top of Document:
<http://www.fcc.gov/mmb/asd/fmclasses.html>

Audio Services Division – Mass Media Bureau – Federal Communications Commission



D.L. Markley & Associates, Inc.**ENGINEERING STATEMENT REGARDING A
CHANGE IN AN FM ALLOTMENT FOR GALESBURG, ILLINOIS**

The following engineering statement has been prepared for Galesburg Broadcasting Company and is in support of their comments concerning the Report and Order in MM Docket No. 97-130, RM-8751 released October 16, 1998.

In the above identified document, the Commission granted a proposed one-step upgrade which had been submitted by Gillbro Communications, Limited Partnership, for station KTWB at Ottumwa, Iowa. That upgrade proposed to modify the operation of KTWB from channel 224C3 to channel 224C2. The same document denied the upgrade to FM broadcast station WLSR that had been proposed by Northern Broadcast Group, former licensee of radio station WSSR, to change the allocation for WLSR from 224A to 224B1. In the document, the Commission discussed various studies that had been performed by both applicants as well as by the Commission's staff. Those studies concerned the areas and populations which would be served by the various proposed facilities and which were served by the existing facilities.

The Commission determined, as had been previously submitted by Northern Broadcast Group, that the existing allocation for Ottumwa, Iowa on channel 224C3 should be used as the basis for the current population and

service area of that station. The Commission then properly used the proposed channel 224C2 allocation coordinates to perform the population and area study for the Class C2 allocation at Ottumwa.

In performing that study, the Commission determined that the proposed upgrade from Class C3 to Class C2 at Ottumwa would result in station KTWA serving an additional 38,492 persons in an area of 3757.5 square kilometers without any area losing service. The Commission's calculations indicated that the upgrade for WLSR at Galesburg would result in a net service gain of 37,157 persons in an area of 2289.9 square kilometers. The Commission also noted that the upgrade proposal would result in a loss of service to an area of 1,074.9 square kilometers containing 1,434 persons.

A further study of the areas and populations involved in the two proposals has been undertaken. This study used centroid based population counts that were based on each census block. The results for KTWA indicated a gain of 38,932 in an area of 3746.5 square kilometers which would agree with the Commission's numbers given the minor differences which would occur between two different computer programs,

For WLSR, the gain in population and area would be 62,434 in an area of 3760.1 square kilometers. Both studies were based on non-terrain limited contours using the distances to the protected contours specified by the Commission for each class of station. Use of terrain limited contours, using actual terrain elevations for each degree of azimuth, resulted in slightly smaller numbers for each station. However, it is apparent that the Commission did not use such terrain limitations. Based on that policy, the larger numbers would apply.

It was stated that a small area and population would lose service from WLSR. That was found to be incorrect when using the non-terrain limited method of calculating service. All of the area within the WLSR Class A service contour would be contained within the proposed Class B1 contour.

It would appear that the differences involved were the result of using the 60 dBu. contour for determining the limit of service for the Class B1 allocation. The Commission has clearly indicated that the protected contour for Class B1 stations is 57 dBu. The other classes of stations involved in the study would utilize the 60 dBu. contour for area and population calculations but the Class B1 facility is considered to provide service to the lesser magnitude signal strength.

In summary, the Commission's calculations incorrectly used the 60 dBu. contour for determining area and population within the proposed WLSR Class B1 service area. When the correct 57 dBu. value is used, the study indicated that the proposed WLSR-B1 station would provide service to 23,502 more persons than would the increase in the KTWA facilities. The increase in service area would also be greater for WLSR by 13.5 square kilometers. While the area increase is not significant, the population increase obviously favors the increased facilities for WLSR.

It is respectfully requested that the Commission review its decision in MM Docket No. 97-130 and that the rules be amended to specify the change in the allocation for WLSR from channel 224A to channel 224B1.

The preceding statement was prepared by me or under my direction and is true and correct to the best of my knowledge and belief.



Donald L. Markley, P.E.

Date: Nov. 27, 1998

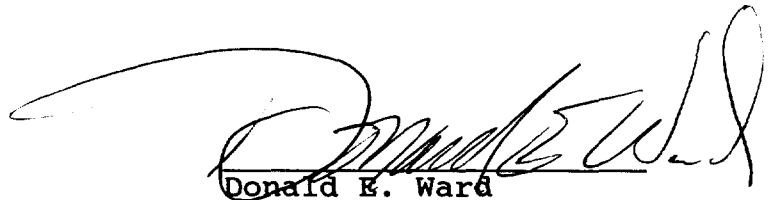
Certificate of Service

I, Donald E. Ward, hereby certify that on this 27th day of November, 1998, I have served the foregoing Petition for Reconsideration, by placing copies thereof in the U.S. Mail, postage prepaid, and addressed to the following:

Sharon P. McDonald, Esq.
Robert Hayne, Esq.
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2000 M Street N.W., Room 569
Washington, D.C. 20554

Vincent A. Pepper, Esq.
Pepper & Corazzini, L.L.P.
1776 K Street N.W., Suite 200
Washington, DC 20006
Counsel to Station KTWA

Gillbro Communications Ltd. Partnership
209 S. Market Street
Ottumwa, IA 52501



Donald E. Ward